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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SCOTT JOHNSON,
Plaintiff,
v.
LOUIS J. MARIANI JR., et al.,
Defendants.

Case No. 18-cv-03611-BLF

**ORDER VACATING HEARING ON
MOTION TO WITHDRAW AS
COUNSEL OF RECORD FOR
DEFENDANT WORLD FURNISHINGS,
LLC; GRANTING MOTION; AND
STAYING CASE FOR 30 DAYS TO
PERMIT DEFENDANT WORLD
FURNISHINGS, LLC TO RETAIN
NEW COUNSEL**

[Re: ECF 23]

Richard D. Schramm of Employment Rights Attorneys has appeared as counsel of record for all three defendants in this case: Louis J. Mariani, Jr., George I. Sousa, and World Furnishings LLC. Mr. Schramm now seeks to withdraw as counsel of record for World Furnishings LLC. *See* ECF 23. Mr. Shramm has submitted a declaration describing circumstances which give rise to a conflict between Defendants Mariani and Sousa on the one hand, and Defendant World Furnishings LLC on the other hand. *See* ECF 23-1 ¶¶ 5-7. Mr. Shramm also states that Franklin “Chris” Kong of World Furnishings LLC informed Mr. Shramm that World Furnishings LLC no longer wished to be represented by Employment Rights Attorneys and would not comply with the attorney-client fee agreement. *See id.* Finally, Mr. Shramm describes his attempts to follow up with World Furnishings LLC about its plans to retain new counsel. *See id.* ¶¶ 7-9.

The record reflects that Mr. Shramm served his motion to withdraw on Plaintiff Scott Johnson and on World Furnishings LLC. *See* ECF 23-3. Plaintiff has filed a statement of non-opposition. *See* ECF 27. Defendant World Furnishings LLC has not responded.

1 The Court finds Mr. Shramm's motion to withdraw to be appropriate for disposition
2 without oral argument. *See* Civ. L.R. 7-1(b). The April 17, 2019 hearing on the motion is
3 VACATED.

4 The Court finds that Mr. Schramm has given written notice to World Furnishings LLC and
5 to Plaintiff as required under Civil Local Rule 11-5(a), and that withdrawal is warranted under the
6 standards set forth in California Rule of Professional Conduct 1.16(b). Accordingly, the motion to
7 withdraw is GRANTED.

8 The case is STAYED through May 6, 2019, to afford World Furnishings LLC an
9 opportunity to retain new counsel. If new counsel does not appear on behalf of World Furnishings
10 LLC on or before May 7, 2019, its answer will be stricken and Plaintiff may seek entry of default
11 and default judgment.

12 **IT IS SO ORDERED.**

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14 Dated: April 4, 2019


15 BETH LABSON FREEMAN
16 United States District Judge

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